

ARMINDA STUCKER.

APRIL 3, 1896.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CROWTHER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany H. R. 5853.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5853) granting a pension to Arminda Stucker, widow of John H. Stucker, late sergeant Company B, Grundy County Battalion Missouri State Militia, having carefully examined and considered all the facts and circumstances presented, respectfully report as follows:

John H. Stucker enlisted September 21, 1861, and served as sergeant in Company B, Grundy County Battalion Missouri State Militia, until April 23, 1864. In October, 1862, he was sent with others to Alpha, Mo., to disarm some rebel bushwhackers who were rendezvoused in that locality, and who resisted the disarming, and he received a gunshot wound entirely disabling the left hand and arm.

He filed a claim for pension on account of this injury July 19, 1875, which was rejected on the ground that the soldier was not in the United States service.

This battalion was one of the organizations of Missouri militia called into service by Governor Gamble, and the Auditor of the War Department certifies that the soldier enlisted September 21, 1861, and continued in service until March 18, 1862. Soldier claimed, and supported it by good testimony, that the Grundy County Battalion continued in service until April 23, 1864, as Company B, Eighteenth Missouri State Militia.

Soldier was pensioned February 22, 1887, at \$30 per month, by special act of Congress, for gunshot wound of left hand and resulting total disability therefrom, under certificate No. 355927.

Soldier died August 10, 1894, from paralysis of left side, complicated with kidney disease or uremic poisoning. Dr. D. F. Hanna, a reputable and skilled physician, testified that he treated the soldier some three months before his death for above-named complaints, and says:

In my opinion the gunshot wound was the indirect cause of death.

Widow was married to soldier January 7, 1864, neither having been previously married, and lived with him until death and cared for him, and has remained his widow, and is now in needy circumstances. Her claim for pension was rejected on the ground that War Department records failed to show soldier to have been in the United States service.

Your committee append the report of the Committee on Invalid Pensions in the Forty-ninth Congress, which give the circumstances of incurrence of soldier's disability.

We believe that the cause of soldier's death was due to injuries received in service, and therefore earnestly recommend the passage of the bill after being amended by adding "at the rate of twelve dollars per month."

[House Report, Forty-ninth Congress.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7748) granting a pension to John H. Stucker, submit the following report:

The evidence submitted in this case shows that claimant enlisted in Company B, Eighteenth Missouri State Militia, in September, 1862, and was discharged April 23, 1864. On July 19, 1875, he filed application for pension, alleging gunshot wound of left hand, received at Alpha, Mo., while disarming a rebel bushwhacker. The claim was rejected, November 18, 1875, on the ground that he was not pensionable under existing law. The following evidence was submitted in the case:

William Dunlop, lieutenant of Company B, Thirtieth Missouri Militia, testifies that he has known claimant since 1861, and that while in the line of duty as sergeant of said company, in the northeast part of Livingston County, Mo., claimant received a gunshot wound of left hand, from which wound he was totally disabled from military duty, and from the use of said hand ever since. Affiant says he knows the facts of which he testifies from personal knowledge.

Jonathan T. Wilson testifies that he was a member of the same company, and that, while acting under regular orders in disarming rebels, they attempted to disarm one Wilson, an acknowledged rebel and bushwhacker, when said Wilson fired upon and shot said Stucker in the hand, tearing it all to pieces. That affiant was the first to pick up said Stucker after his being shot.

Newton Buckner testifies that he was with claimant when he was shot; that they were detailed to disarm rebels and bushwhackers, and while in the line of duty Stucker was shot in the hand, badly mangling it. Affiant took care of claimant until he was able to be around again.

Dr. S. W. Elmore testifies that he treated him professionally for the wound immediately after he received it, and as long as he needed medical attendance.

The examining surgeon at Jameson, Mo., reports, August 12, 1875, that—

"The left hand is useless from gunshot wound; aperture of entrance at middle of second metacarpus, destroying that and third metacarpus; shot scattering and making exit at different points on outside of hand, several shots remaining encapsuled on palm or surface of hand; hand very much deformed; bones of carpus enlarged and wrist ankylosed; fingers drawn tight to palm and useless; very painful at wrist and elbow joint."

This regiment was enrolled and mustered into service under a general order of the commanding officer, Department of Missouri, and was under the command of United States Army officers. Claimant did not file his application for pension until after the expiration of the limitation provided for in section 4693, Revised Statutes, and therefore the claim can not be allowed in the Pension Office.

Claims of this character have invariably been recommended by the committee and allowed by Congress, and your committee therefore recommend the passage of the bill.

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